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The 1984-1985 political trials in East Timor

For several years up to 1985, Indonesia was under investigation by the UN Commission of Human Rights, under its 1503 procedure, because of continuing reports of human rights abuses in East Timor, Since the proceedings were confidential, we do not know what exchanges took place between the Commission and the Indonesian Government at the time.

At its session in February 1985, the Commission decided to discontinue its investigations; the reasons for doing so were not divulged.

It is by no means fortuitous that, in the year before that 1985 Commission meeting, the Indonesian authorities began to stage a number of political trials in East Timor, something that had never happened before. Requests were made at the time by Amnesty International and the International Commission of Jurists to send observers to the trials but permission was not granted.

The trials went ahead without coverage in the Indonesian press, nor were any of the lawyers in Jakarta who normally act as defence lawyers in political trials given an opportunity to act in these cases. Hence, the trials were impossible to monitor. However, the authorities took great care to make available official information about the verdicts; a full list of the defendants and their sentences was drawn up and supplied to the international community by the Centre for Strategic and International Studies in Jakarta. The list reached Amnesty International and other groups that follow the human rights situation in East Timor, and was subsequently made public.

The availability of such information is quite unprecedented. Political trials involving many different groups have been conducted in Indonesia ever since 1966 but never before have the authorities provided any information whatsoever about the trials or about the number of people tried, still less supplied a list of the persons tried and the sentences passed. This lends credence to the belief that the trials were staged only in order to impress the Commission and extricate Indonesia from the highly embarrassing 1503 investigations.

Not until early this year did information become available about the trials in East Timor, and this happened only because one of the prisoners whom the authorities wanted to bring to trial succeeded, three years after his release, in escaping from East Timor and coming to Europe. The ex-prisoner, whose name is Cristiano Costa, came immediately to Geneva to attend the UN Commission on Human Rights where he made a submission on 7 March this year.

At the time of his submission, the enormity of the deception mounted by the Indonesian authorities was only partially comprehended, but on the basis of that submission and subsequent interviews, it has been possible to draw up a more detailed account of the injustices that were perpetrated by the authorities, behind the cloak of "due process". The trials were a travesty of

justice, staged simply to convince the UN Commission that detention without trial was no longer occurring. This took the heat off Indonesia, while creating the impression that human rights abuses were no longer a problem.

The following report is based on the testimony of Cristiano Costa. We hope that the Sub-Commission will consider this information carefully. The Sub-Commission should, in our opinion, take note of this experience and pursue with increased vigour every report of human rights abuse in East Timor.

From the testimony of Cristiano Costa1)

As far as I know, the first political trials in East Timor took place early in 1984, after nine years of constant and violent human rights abuses. The first to be tried were those thought to be directly involved in Fretilin activity. They were all given long sentences. Many are now in prison in Cipinang Prison, Jakarta.

Then early in 1985, a lot of us who had no process-verbale (Berita Acara Pemeriksaan, or BAP) were told that we were to be interrogated in preparation for trials. In Baucau and in many other places, no BAPs had been produced during the interrogations. As I had said nothing when interrogated, I too had no BAP.

Before a trial in court could begin, we were each to be re-interrogated, this time by a police officer, though I am quite certain that everything had been fixed in advance by the military. Each day we were taken to the place of interrogation in a truck, handcuffed to each other. The interrogations took place in the Jaksa's Office (Office of the Public Prosecutor) which is just across the road from the Dili District Court. The Jaksa's office is in a building which was formerly the headquarters of the Dili football club, Club Benfica. They tried to force us to make false confessions that could then be used for trials.

During these interrogations, we were not beaten or tortured. Instead, they used psychological pressure and threats. saying that we would never be released unless we collaborated by producing signed false confessions drafted by our interrogators that could be used for a trial. Only those who had been tried were allowed family visits. But I still refused to sign anything. On the second and third day as well, I remained silent. I went on being interrogated for about a month. Not only me but many others as well. All these interrogations went on for three or four months.

The interrogators would produce something written down which we were told to sign. They kept saying that if we refused to go on trial, we would never be released. But I still refused to sign. As I recollect, there were over a hundred of us being asked to agree to be tried.

They asked us over and over again, with the result that many eventually agreed to sign. Before this, we had not been allowed any family visits so the pressure on people to sign was very great. After the first International Red Cross visit, early in 1984, relatives were allowed to bring food to the prison but they were not allowed to meet us. Supplies from home were extremely important because we were not getting enough food. The clothes we wore were all from our families.The prisoners who agreed to sign false statements were mostly people with little education, who didn't understand Indonesian and were illiterate, so it was easy to tell them what to do. They had no idea what it meant to be tried, and they were people who had never had

1)This is taken from the Testimony appended to a Petition by Lord Avebury, presented to the UN Decolonisation Committee in New York, 12 August 1988.

any contact with Fretilin. The Indonesians exploited their ignorance to stage the trials. Many of us refused from the start to have anything to do with this, so in the end we were released without being tried.

Because I refused to sign anything, I was never brought to court. During one of my sessions with the interrogators, Major Johannes, Head of Intelligence of the Regional Police (Kabag Intelpam) told me that all prisoners had to be tried. No-one could be released without being tried. He said people abroad knew that lots of people had been arrested and it was being said that these arrests were indiscriminate. Indonesia wanted to prove that this was not true. When I heard this, I became all the more determined not to collaborate. Fifty of us refused to sign anything so we were not brought to the court. In the event, we were all released on 27 April 1985.

Those of us who were not tried and refused to be tried were not allowed to meet any relatives who came to the prison to bring food. This continued right up to the day of our release on 27 April 1985. All those who were tried were moved into other rooms in the prison, and some time in 1985, some of them were transferred to Becora Prison.

The trials

As for those who agreed to be tried, what happened was this. The interrogators would force a prisoner from a particular kampung to sign a statement implicating others from the same kampung. But according to Indonesian law, two witnesses are needed to convict someone in a court of law, so two other people had to be found to make false statements about him. One would be the person he had implicated, and someone else also had to be found. Once this had been done, all three were tried. After A had been tried and sentenced on the basis of false statements by B and C, B was tried on the basis of false statements by A and C, and so on.

Very little time elapsed between obtaining the necessary statements for a trial and the commencement of the trial. Sometimes, the trial would begin on the very same day. In this case, the person was taken across the road to the court and the trial began immediately. There was a prosecutor, a defence lawyer and a judge waiting to conduct the trial. The prosecutor read out the indictment, then the prisoner was taken back to prison.

The trial usually went on for two or three days, rarely longer than a week. On one day the indictment, the next day the defence, then a day or two later, the judge would deliver the verdict. In some cases, the whole thing was over on the day the defendant signed the false confession and he returned to the prison a convicted man. Sometimes the trial could not start the same day because neither of the lawyers was in Dili. It was very obvious to me that the whole thing had been fixed in advance by the military. The prosecutor would ask for, say, ten years; the defence lawyer would say this was too long and suggest a shorter sentence. Then the judge would pass a sentence somewhere in between. No-one was acquitted, no-one rejected the verdicts and no-one was told anything about their right of appeal.

The defence lawyers were provided by the court. There were two women lawyers from Kupang who came to Dili, at the court's expence. During the whole time I was in Comarca, only these two women were used. I don't know their names. The first time the prisoners met their lawyers was in the courtroom. The lawyers knew nothing about the people they were defending. *[According to the Indonesian press, three lawyers, all of them women, were employed to defend these prisoners, Merri Dobo, Asmah Achmad and Saartje Seubelan. All are from the Trisula Legal Aid Institute in Kupang. According to* ***Suara Pembaruan****, 5 May 1988, there are still no lawyers of any description practising in Dili.]*

Many relatives and friends were afraid to attend the trials because the prisoners were all regarded as political prisoners. In one or two cases where the relatives were in Dili, they attended the trials. Many of those tried were from other parts, so the relatives could not afford to come. Other people didn't dare to attend.

Those who were tried weren't guilty of anything and were tried on the basis of false statements. Because they agreed to sign these statements, they were sentenced and had to serve out their sentences.

When I and the forty-nine others were released on 27 April 1985, there was a public ceremony in the forecourt of Comarca Prison when we had to take an oath of loyalty to Indonesia. The ceremony was attended by two delegates from the International Red Cross, and representatives of the Bishop of Dili, the regional government and the military operations command, Koopskam Timtim, which had recently been established to take charge of military operations in East Timor. One of the Red Cross delegates was a man called Alfred; I don't remember his surname. In the week before we were released, an International Red Cross mission visited Comarca, which is how they were able to attend the release ceremony.

At the time of our release, we received ten kilos of rice and Rp. 2,500 from the Social Affairs Service as compensation.

Some of the people convicted remained in Comarca to serve out their sentences, while those with longer sentences were sent to Cipinang Prison and Tangerang Prison in Jakarta. Some were transferred to the newly-built Becora Prison in east Dili. The old Comarca Prison is used for prisoners who are still in the hands of the military and who have not yet been tried. Those in Becora are in the hands of the Justice Ministry. With a few exceptions, all convicted prisoners are moved to Becora or Cipinang. Only those who are regarded as troublesome remained in Comarca.

It seemed at the time to some of the prisoners that it was absurd to refuse to sign these false statements because we were told that only those who were tried had a chance of being released. But I said when I was being questioned: Indonesia claims to be a state based on the rule of law and the Pancasila. Are trials based on false confessions in accordance with Pancasila, I asked. If the others had stuck to the Pancasila like me, they would have been released then. But they were intimidated into believing that they they could only hope to be released if they agreed to be tried. For the Indonesians to claim that by releasing these people after they have served their sentences, they are treating them in accordance with the law is a travesty of the truth. They are all the victims of illegal show-trials.

Note:

Amnesty International who interviewed Cristiano Costa in March 1988 was able, with the help of his testimony, to corroborate the accuracy of an earlier AI pronouncement about the trials. In a document issued in April 1988, Amnesty wrote:

"In a statement to the United Nations Special Committee on Decolonisation in August 1985, Amnesty International noted that it had received a list of fifty persons accused of supporting Fretilin who were released on 27 April 1985. 'It is to be assumed,' the statement said, 'that these prisoners were held without charge or trial since their names do not coincide with the names of [those] tried.' As Cristiano da Costa's experience shows, this proved to be correct." [See Amnesty International, "East Timor: Unfair Trials and Further Releases of Political Prisoners", ASA 21/08/88, April 1988, page 3.]